

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KNIGHT FIRST AMENDMENT INSTITUTE
AT COLUMBIA UNIVERSITY,

Plaintiff,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY, U.S. CUSTOMS AND BORDER
PROTECTION, U.S. IMMIGRATION AND
CUSTOMS ENFORCEMENT, U.S.
CITIZENSHIP AND IMMIGRATION
SERVICES, U.S. DEPARTMENT OF
JUSTICE, and U.S. DEPARTMENT OF
STATE,

Defendants.

No. 1:17-cv-07572-ALC

JOINT STATUS REPORT

1. Pursuant to the Court’s order, *see* ECF No. 187, the Knight First Amendment Institute at Columbia University (the “Knight Institute” or “Institute”) and Defendant U.S. Immigration and Customs Enforcement (“ICE”) respectfully submit this Joint Status Report to update the Court regarding the progress of ICE’s remaining searches for and productions of records responsive to the Institute’s Freedom of Information Act (“FOIA”) request (the “Request”), *see* Am. Compl. Ex. B 3–4, ECF No. 42-2.

ICE’s New Searches

2. As explained in the December 11, 2020 Joint Status Report, pursuant to the Court’s September 13, 2020 Opinion and Order clarifying the Court’s September 13 and 23, 2019 Orders and denying the Defendants’ motion for partial reconsideration, ECF No. 158, ICE conducted new searches. *See* ECF No. 171 ¶ 8.

3. As explained in the June 14, 2021 Joint Status Report, ICE completed those searches and informed the Knight Institute of the initial results, and the parties have been working since then to attempt to narrow the search criteria. *See* ECF No. 178 ¶¶ 5–10.

4. On July 12, 2021, the parties agreed that ICE would run (in sum and substance) the following searches for all types of records, including emails:

- a. **Search 1** (for Item 1 of the Request, seeking records dated January 19, 2017 and later): ((“extreme vetting” OR “enhanced vetting” OR “visa lifecycle vetting” OR “continuous screening” OR “continuous vetting” OR “continuous monitoring”) AND (“13769” OR “13,769” OR “Protecting the Nation from Foreign Terrorist Entry into the United States” OR “13780” OR “13,780” OR “9645” OR “9,645” OR “Enhancing Vetting Capabilities and Processes” OR “9723” OR “9,723” OR “Maintaining Enhanced Vetting Capabilities and Processes” OR “Optimizing the Use of Federal Government Information” OR “National Vetting Enterprise” OR “National Vetting Center” OR “Visa Security”)).
- b. **Search 2** (for Items 2–4 of the Request, seeking records dated January 2009 and later): ((“1182(a)(3)(B)(i)(VII)” OR “212(a)(3)(B)(i)(VII)” OR “1182(a)(3)(B)(i)(IV)(bb)” OR “212(a)(3)(B)(i)(IV)(bb)” OR “1182(a)(3)(C)(i)” OR “212(a)(3)(C)(i)” OR “1182(a)(3)(C)(iii)” OR “212(a)(3)(C)(iii)” OR “1225(c)” OR “235(c)” OR “1227(a)(4)(B)” OR “237(a)(4)(B)” OR “1227(a)(4)(C)” OR “237(a)(4)(C)” OR “1158(b)(2)(A)(v)” OR “208(b)(2)(A)(v)”) AND (“endorse or espouse” OR “endorses or espouses” OR “endorsed or espoused” OR “endorsing or espousing” OR “foreign policy consequences” OR “ideological screening” OR “first amendment” OR “1st amendment” OR “protected speech” OR “political speech” OR “political belief” OR “political beliefs” OR “political association” OR “political associations”)).

5. On August 12, 2021, ICE’s counsel informed the Knight Institute that Search 1 had resulted in 1,490 documents with search term hits and Search 2 had resulted in 1,435 documents with search term hits (not including other documents within the same group ID).

6. On August 13, 2021, the Knight Institute confirmed that ICE should review only those documents with search term hits, and not other documents within the same group ID.

7. ICE's counsel subsequently confirmed that ICE had, to the extent practicable before conducting a page-by-page review, de-duplicated the search results before reporting the document hit totals referenced above.

8. The parties have been negotiating the rate at which ICE will process those records but have failed to reach an agreement. The Knight Institute requests a processing rate of 1,000 pages per month, while ICE proposes a processing rate of 700 pages per month.

Proposed Next Step

9. Given the parties' disagreement regarding ICE's processing rate, the parties jointly and respectfully propose to file letter briefs on the issue by September 1, 2021.

Dated: August 25, 2021

Sincerely,

AUDREY STRAUSS
United States Attorney

/s/ Carrie DeCell

By: /s/ Ellen Blain

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